

# **Exhibit E**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS

_____	)	
CITY OF GREENVILLE, ILLINOIS,	)	
et al.,	)	
	)	
Plaintiffs,	)	
	)	Case No.
vs.	)	10-cv-188-JPG-PMF
	)	
SYNGENTA CROP PROTECTION, INC.,	)	
et al.,	)	
	)	
Defendants.	)	
_____	)	

C O N F I D E N T I A L

VIDEOTAPED DEPOSITION OF VERNON RICHARD HAWKINS

VOLUME I

Tuesday, November 9, 2010

At: 10:05 a.m.

Taken at:

Regus Business Centers  
7800 Airport Center Drive  
Suite 401  
Greensboro, North Carolina

Reported in Stenotype by  
V. Dario Stanziola, CSR, RPR, CRR

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<p>1 APPEARANCES</p> <p>2 ON BEHALF OF THE PLAINTIFFS:</p> <p>3 STEPHEN M. TILLERY, Esq.</p> <p>4 MICHAEL KLENOV, Esq.</p> <p>5 ROSEMARIE FIORILLO, Esq.</p> <p>6 JERRY BROWN, Esq.</p> <p>7 Korein Tillery, LLC</p> <p>8 505 N. 7th Street, Suite 3600</p> <p>9 St. Louis, Missouri 63101</p> <p>10 Phone: 314.241.4844 Fax: 314.241.3525</p> <p>11 E-mail: stillery@koreintillery.com</p> <p>12 E-mail: mklenov@koreintillery.com</p> <p>13</p> <p>14 ON BEHALF OF THE DEFENDANTS:</p> <p>15 MICHAEL A. POPE, Esq.</p> <p>16 PETER SCHUTZEL, Esq.</p> <p>17 McDermott Will &amp; Emery LLP</p> <p>18 227 West Monroe Street</p> <p>19 Chicago, Illinois 60606</p> <p>20 Phone: 312.372.2000 Fax: 312.984.7700</p> <p>21 E-mail: mpope@mmwe.com</p> <p>22 E-mail: pschutzel@mmwe.com</p> <p>23 Also Present:</p> <p>24 ALAN NADEL, Esquire</p> <p>25 Syngenta Crop Protection, Inc.</p> <p>26</p> <p>27 GARY TODD, CLVS, Videographer</p> <p>28</p> <p>29 VIDEOTAPED DEPOSITION OF VERNON RICHARD</p> <p>30 HAWKINS, a witness called on behalf of the</p> <p>31 Plaintiffs, before V. Dario Stanzola, CSR, RPR,</p> <p>32 CRR, Notary Public, in and for the State of North</p> <p>33 Carolina, held at the Regus Business Centers, 7800</p> <p>34 Airport Center Drive, Suite 401, Greensboro, North</p> <p>35 Carolina, on Tuesday, November 9, 2010, commencing</p> <p>36 at 10:05 a.m.</p>	<p>1 Plaintiff's Exhibit 9: An e-mail string 168</p> <p>2 with the top from Ayannah Chance dated</p> <p>3 11/11/07, Bates GRNVL0000064902</p> <p>4 Plaintiff's Exhibit 10: An e-mail string 171</p> <p>5 with the top from Eileen Watson dated</p> <p>6 4/27/06, Bates GRNVL0000052306</p> <p>7 Plaintiff's Exhibit 11: An e-mail string 175</p> <p>8 with the top from John Abbott dated</p> <p>9 11/9/05, Bates SYN01190631 - 32</p> <p>10 Plaintiff's Exhibit 12: An e-mail string 177</p> <p>11 with the top from Rush Ducote dated</p> <p>12 12/7/04, Bates GRNVL0000064978</p> <p>13 Plaintiff's Exhibit 13: An e-mail 181</p> <p>14 document from Willy Maurer dated</p> <p>15 11/4/05, Bates SYN02781966</p> <p>16 Plaintiff's Exhibit 14: An e-mail string 185</p> <p>17 with the top from Scott Langkamp dated</p> <p>18 3/22/06, Bates GRNVL0000065798 - 799</p> <p>19 Plaintiff's Exhibit 15: An e-mail string 187</p> <p>20 with the top from Philippe Costrop dated</p> <p>21 5/19/08, Bates SYN02768444 - 445</p> <p>22 Plaintiff's Exhibit 16: An e-mail string 190</p> <p>23 with the top from Susan Morris dated</p> <p>24 10/19/06, Bates GRNVL0000042446 - 448</p> <p>25 Plaintiff's Exhibit 17: Syngenta 195</p> <p>Triazine Supply Chain Redesign July</p> <p>2004, Bates SYN01146557 - 6607</p> <p>Plaintiff's Exhibit 18: An e-mail string 204</p> <p>with the top from Scott Langkamp dated</p> <p>6/13/07, Bates SYN03446466</p> <p>Plaintiff's Exhibit 19: An e-mail string 208</p> <p>with the top from Jasper Barnes dated</p> <p>6/10/09, Bates SYN03146593 - 6594</p> <p>Plaintiff's Exhibit 20: An e-mail string 212</p> <p>with the top from Barbara Descenzo dated</p> <p>11/21/07, Bates GRNVL0000065140 - 142</p>
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<p>1 INDEX OF EXAMINATIONS</p> <p>2</p> <p>3 By Mr. Tillery PAGE 7</p> <p>4</p> <p>5 INDEX OF EXHIBITS</p> <p>6 NUMBER EXHIBIT MARKED</p> <p>7 Plaintiff's Exhibit Number 1: E-mail 73</p> <p>8 string with the top from Tobias Meili</p> <p>9 dated 6/27/08, Bates GRNVL0000085568 -</p> <p>10 5572</p> <p>11 Plaintiff's Exhibit 2: Syngenta document 119</p> <p>12 entitled Summary Notes dated 6/26/09,</p> <p>13 Bates GRNVL0000080732 - 0737</p> <p>14</p> <p>15 Plaintiff's Exhibit 3: An e-mail string 124</p> <p>16 with the top from Brian Manley dated</p> <p>17 3/20/06, Bates SYN03444291</p> <p>18</p> <p>19 Plaintiff's Exhibit 4: An e-mail string 128</p> <p>20 with the top from Pat Stiner dated</p> <p>21 7/6/06, Bates GRNVL0000042011 - 2012</p> <p>22</p> <p>23 Plaintiff's Exhibit 5: An e-mail string 131</p> <p>24 with the top from Robert Wurz dated</p> <p>25 10/24/01, Bates SYN01791910</p> <p>1</p> <p>2 Plaintiff's Exhibit 6: An e-mail string 136</p> <p>3 with the top from Dan Campbell dated</p> <p>4 10/19/07, Bates SYN012751724 - 726</p> <p>5</p> <p>6 Plaintiff's Exhibit 7: A document 140</p> <p>7 entitled Review of Triazine Strategy</p> <p>8 from a Global Perspective March 22, 2005</p> <p>9 Greensboro, Bates SYN02781983 - 2726</p> <p>10</p> <p>11 Plaintiff's Exhibit 8: An e-mail string 163</p> <p>12 with the top from Ayannah Chance, Bates</p> <p>13 GRNVL0000064906 - 907</p>	<p>1 Plaintiff's Exhibit 21: Syngenta Minutes 215</p> <p>2 dated 7/5/03, Bates SYN00756454 - 6477</p> <p>3</p> <p>4 Plaintiff's Exhibit 22: Syngenta 221</p> <p>5 document entitled Syngenta Production</p> <p>6 Strategies in the U.S. and Worldwide,</p> <p>7 Bates SYN01790993 - 994</p> <p>8</p> <p>9 Plaintiff's Exhibit 23: An e-mail string 226</p> <p>10 with the top from Frank Knight dated</p> <p>11 12/7/06, Bates SYN02995494</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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<p>1 THE VIDEOGRAPHER: Here begins the 2 videotaped deposition of Vernon Hawkins, tape 3 one, volume one in the matter of City of 4 Greenville, Illinois, et al. v. Syngenta Crop 5 Protection Incorporated, et al., Case Number 6 10-CV-188-JPG-PMF. Today's date is 7 November 9th, 2010. And the time on the video 8 monitor is 10 o'clock and five minutes. 9 The video operator today is Gary Todd of 10 TeleVisual representing WestLaw Deposition 11 Services. The court reporter is Dario 12 Stanziola of Huseby Incorporated, reporting on 13 behalf of WestLaw Deposition Services. 14 Today's deposition is being taken on 15 behalf of the plaintiff and is taking place at 16 7800 Airport Center Drive, Suite 401, 17 Greensboro, North Carolina. 18 Counsel, please introduce yourselves and 19 state whom you represent. 20 MR. TILLERY: For the plaintiffs, Steve 21 Tillery, Michael Klenov, Rosemarie Fiorillo 22 from the law firm of Korein Tillery in St. 23 Louis. 24 MR. POPE: For the defendant, Michael 25 Pope and Peter Schutzel from McDermott, Will &amp;</p>	<p>1 A. I have, yes. 2 Q. And how many? 3 A. Three or four, I believe. 4 Q. Okay. And how many times -- other times 5 have you testified besides depositions? 6 A. I don't recall any other testimonies 7 other than the depositions. 8 Q. Okay. And could you tell me what those 9 depositions involved? 10 A. They were related to data compensation 11 via arbitration cases. I believe there was one 12 particular case related to a disagreement with the 13 EPA related to data comp as well. 14 Q. Would you, for the record, explain what 15 data compensation means? 16 A. Sure. Data compensation is when a 17 manufacturer, the proprietary company that invents 18 a product, has certain rights to the use of the 19 data if other people want to enter the market. And 20 so it's a legal process which the manufacturer can 21 ensure that they get paid the fair -- the fair 22 share of the data if somebody else chooses to use 23 it in the marketplace. 24 Q. Why don't you give us an example of that. 25 A. An example would be we sell a particular</p>
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<p>1 Emery in Chicago. 2 MR. NADEL: Alan Nadel, Syngenta Crop 3 Protection, Inc. 4 THE VIDEOGRAPHER: Others present. 5 MR. TILLERY: Others present is Jerry 6 Brown from Korein Tillery. 7 THE VIDEOGRAPHER: Would the court 8 reporter please swear in the witness. 9 (Witness Sworn.) 10 THE VIDEOGRAPHER: Please continue. 11 VERNON RICHARD HAWKINS, 12 having been duly sworn, was examined and testified 13 as follows: 14 EXAMINATION 15 BY MR. TILLERY: 16 Q. Would you state your name for the record, 17 please. 18 A. Vernon Richard Hawkins. 19 20 <b>REDACTED</b> 21 22 23 Q. When and where were you born, sir? 24 A. I was born in Kokomo, Indiana in 1963. 25 Q. Have you ever had a deposition before?</p>	<p>1 compound that we invented, and after the patent 2 fall, a company may choose to enter and they would 3 make a claim to pay, and then we would seek an 4 agreement on the payment amount. And if there is 5 an agreement on the payment amount, often 6 arbitration is how you settle what the value of the 7 data is worth. Meanwhile, the company that chooses 8 to enter is able to sell and the arbitration is 9 about what is the value that the company would owe 10 the proprietary inventor. 11 Q. And you have testified in you think three 12 or four of those? 13 A. I believe. I recall three or four, yes. 14 Q. Did the -- did you testify by deposition or 15 at the arbitration? 16 A. I believe I've done both. 17 Q. But you don't know for certain? 18 A. I do recall that they were different. 19 One I was in the arbitration recently in 2010. The 20 others were a few years ago. And one of those I 21 believe was a deposition. 22 Q. Any of these involve atrazine? 23 A. Yes. 24 Q. All of them involve atrazine? 25 A. No.</p>

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Page 30	<p>1 Q. Are there any other groups that report to</p> <p>2 you besides Mexico and Canada?</p> <p>3 A. No, there are not. Outside of the U.S.</p> <p>4 Q. Now, in terms of functional reporting</p> <p>5 relationships, are there people within the Syngenta</p> <p>6 Crop Protection entity who have functional reporting</p> <p>7 relationships outside of Syngenta Crop Protection,</p> <p>8 Inc.?</p> <p>9 A. Could you ask that question again,</p> <p>10 please.</p> <p>11 Q. Sure.</p> <p>12 Are there people at Syngenta Crop</p> <p>13 Protection, Inc. who have functional reporting</p> <p>14 relationships with people outside of that company?</p> <p>15 A. In terms of the dotted line definition?</p> <p>16 Q. Yes.</p> <p>17 A. I'm sure there are. I don't know exactly</p> <p>18 who. But certainly in the course of global</p> <p>19 strategy development, there are a number of</p> <p>20 functional dotted line relationships to make the</p> <p>21 best decision for the company.</p> <p>22 Q. And those would be outside of the legal</p> <p>23 entity of Syngenta Crop Protection, Inc., wouldn't</p> <p>24 they?</p> <p>25 A. Those being?</p>	Page 32	<p>1 You said using functional reporting</p> <p>2 relationships is best for your company. What were</p> <p>3 you referring to when you said the company?</p> <p>4 A. Well, if I look at Syngenta from a global</p> <p>5 standpoint, as I said, we have a global strategy</p> <p>6 philosophy and we have a local implementation and</p> <p>7 execution implementation plan. So Syngenta Crop</p> <p>8 Protection, Inc. is accountable for the local</p> <p>9 implementation. And the global strategy aspect is</p> <p>10 about getting the best input from all parts of the</p> <p>11 company to make the best decision, be efficient, be</p> <p>12 effective. So that's really what I was trying to</p> <p>13 convey there.</p> <p>14 Q. When you started your job in January of</p> <p>15 this year, was that a promotion?</p> <p>16 A. It was, yes.</p> <p>17 Q. And tell me how it was that you obtained</p> <p>18 that job? Did you apply for it?</p> <p>19 A. That particular job was -- became open</p> <p>20 because my predecessor chose to leave the company.</p> <p>21 Q. And who's your predecessor?</p> <p>22 A. Valdemar Fischer was his name. And he</p> <p>23 left the company. And so I received a call from</p> <p>24 John Atkin seeking my interest in the role.</p> <p>25 Q. When did he call you?</p>
Page 31	<p>1 Q. Those functional reporting relationships?</p> <p>2 A. Where the dotted line connects to, yes.</p> <p>3 Q. Yes.</p> <p>4 A. Yes.</p> <p>5 Q. And that would exist independent of the</p> <p>6 corporate structure of the particular entities for</p> <p>7 which the people were employed?</p> <p>8 MR. POPE: When you say that, you're</p> <p>9 referring to functional reporting</p> <p>10 relationships?</p> <p>11 MR. TILLERY: Correct.</p> <p>12 A. So please restate the question.</p> <p>13 Q. Well, that functional reporting</p> <p>14 relationship would exist independent of the corporate</p> <p>15 structure of the particular entities for which those</p> <p>16 different people were employed?</p> <p>17 A. Yeah, the way our company operates,</p> <p>18 certainly we look for functional excellence we call</p> <p>19 it. So it would make sense for the people in the</p> <p>20 U.S. market and the European market to be talking</p> <p>21 to the global functional head about best practice.</p> <p>22 So in that sense, yes, they would communicate.</p> <p>23 Q. A minute ago you used the term that using</p> <p>24 functional reporting relationships would -- I'm</p> <p>25 trying to get -- strike the question.</p>	Page 33	<p>1 A. Would have been over the Thanksgiving</p> <p>2 holiday.</p> <p>3 Q. Of 2009?</p> <p>4 A. Of 2009.</p> <p>5 Q. Did you speak to anybody else about the</p> <p>6 job?</p> <p>7 A. After I spoke with John, I did go have a</p> <p>8 discussion with other members of the Syngenta</p> <p>9 executive committee to better -- it was effectively</p> <p>10 an interview. But it was mostly to understand</p> <p>11 expectations of the role and vice versa, make sure</p> <p>12 that I understood the role.</p> <p>13 Q. Where did you have those interviews?</p> <p>14 A. I would have traveled to Basel for those</p> <p>15 discussions.</p> <p>16 Q. And with whom did you meet?</p> <p>17 A. I don't recall the whole list, but I</p> <p>18 would have met with six or seven of the members of</p> <p>19 the Syngenta executive committee.</p> <p>20 Q. So did you meet with Mr. Mack?</p> <p>21 A. I did meet with Mr. Mack, yes.</p> <p>22 Q. Prior to your job as head of -- strike</p> <p>23 that.</p> <p>24 Prior to your job as president of Syngenta</p> <p>25 Crop Protection, Inc., did you have a functional</p>

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